

# The Pocahontas Times.

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## Supreme Court Amendment

Lewisburg, W. Va.  
Oct. 3, 1910.

Calvin Price, Esq.,  
Dear Calvin:—You published last week friend Andy's article in reply to mine. It seems to me you are putting the cart before the horse for as his article is a reply to mine, mine should have come first. The order, however, is not very material, but as your readers have now read Andy's article I believe they will be interested in reading mine. The subject is an important one and you of course see the propriety of giving both sides a hearing.

I therefore hand you my Editorial on the subject and shall be greatly obliged if you will reproduce it in the Times.

I noticed what Andy said about my failure to meet my promise to him. He was a little premature, as he no doubt saw his article on the first page of last week's Independent. If not too much trouble I would ask you to state the fact that Andy's article appeared in last week's Independent that your readers may not think that I have failed to keep a promise. I did not hesitate at all about publishing his article because I thought the people should hear both sides.

Yours &c,  
THOS. H. DENNIS.

"The Legislature of 1909 submitted two constitutional amendments to the voters of the State for ratification or rejection. These proposed amendments are now being published or advertised, almost exclusively in the Republican papers of the State for the information of the people.

"The first of these, known as the 'Qualification Amendment,' if ratified, will so amend the organic law as to allow women 21 years of age to be appointed members of any board of any educational, humane or penal institution of the State wherein female persons are educated, cared for or confined; or to be commissioned as notaries public, or appointed as inspectors of labor, or as deputy clerks of any of the Courts.

"There will probably be no serious objection to this amendment as it simply enlarges the sphere of woman's usefulness and gives her a better chance to earn a living.

"The second proposed amendment designated 'The Supreme Court Amendment' provides for the election of two more Judges of the State Court of Appeals, making seven instead of five as now, one to be a Chief Justice and the court to be divided into districts for the hearing of causes, etc.

"The main if not the sole, argument for the ratification of this amendment, so far as we know, is the alleged congestion of the business of the Court. It is claimed that five judges cannot do the work. If five judges do the work of the Court of Appeals in Virginia where the population is double that of West Virginia, the number of Circuit Courts more numerous, and the business of the people as much diversified, why cannot five judges do the work in this State? And if nine judges do the work of the Supreme Court of the United States, to which causes are taken from all the 46 States of the Union, why must the little State of West Virginia have seven judges?

"Under the Democratic administration of affairs in this State we had four judges on this Court doing good service on salaries of \$2,200. Now we have five, on salaries of \$5,500, and the cry is for two more. Count the cost: under Democratic rule four judges did the business and drew in salaries \$8800. Now five judges, drawing \$27,500 per annum are crying for help. If two more are appointed the salaries drawn will amount to \$38,500 per annum. In the Legislature which submitted these amendments an effort was made to increase the salaries now paid (\$5,500) to \$7,000—the idea being, we suppose, bigger the salary more the work, which, of course, is nonsense, for such an argument would justify salaries

practically unlimited and the capacity of the judges for work would not be at all increased.

"There are remedies for the alleged congested condition of the Court's business better, we think, than the one proposed by this amendment. We beg to suggest a few of them.

"1. Let the Court itself apply a remedy by greatly curtailing the length of its written opinions thus saving much time and relieving itself of much unnecessary labor. Why consume time and expend so much labor in discussing questions of law that are well settled? In all such cases would not a succinct statement of the facts and a citation of the authorities in support of the decision, suffice? New questions would, of course, require and justify more mature consideration and a larger discussion, but new questions are comparatively few in number and even these should be disposed of in opinions covering fewer than 25 to 100 printed pages.

"2. The time of the Court, in recent years, has too largely consumed in settling Republican party disputes which should be settled elsewhere. The time and labor wasted in settling these quarrels might be saved either in a refusal to take jurisdiction, or, when this is not advisable or practicable, in pie-poudre opinions, speedily announced and afterwards, if necessary, condensed into written opinions of about one or one and a half pages.

"3. Amend the constitution, if you like, and materially increase the sum for which an appeal may be taken. Surely the judgment of the Circuit Court, however incapable the judge may be, should stand good for \$100. The burdening of the docket of the Supreme Court with petty cases of this kind should not be longer tolerated. In this suggestion, it seems to us, a large measure of relief for the higher court may be obtained.

"4. Elect competent lawyers and honest men as judges of your Courts. Then there will be more confidence in, and fewer appeals from, the judgments of these Courts. Under the old Democratic regime we had the large circuits presided over by dignified, learned and honest men working on salaries \$1,800, administering the law with such ability and even handed justice that, in the vast majority of cases, their decisions, whether satisfactory or not to all the litigants, were accepted as settling correctly the questions of law involved. How is it now with little circuits of two or three counties, shamefully gerrymandered, in many cases to please particular aspirants for judicial honors, and with judges drawing \$3,500 dollars a year? Believing that the remedy proposed by this amendment for the congested condition of the Supreme Court's business will prove abortive and that better remedies are found in our humble suggestions, we shall oppose its ratification by the people, notwithstanding the endorsement given it by the State Bar Association.

Ferrest Hutton Houchin, son of Thomas and Mary Houchin, was born in Randolph county, W. Va. June 22, 1880, and died at Hinton, August 29, 1910. The remains were brought to the home of his parents near Hosterman, and on Wednesday were conveyed to the Bethel church near by, where in the presence of relatives and a large number of friends the funeral services were conducted by the family pastor, Rev. H. Q. Burr of the M. E. Church South, assisted by Revs. Cline and Beverage of the Brethren Church, after which he was laid to rest in the cemetery by the church.

The death of this estimable young man has indeed cast a gloom over the entire community, and bereaved family have the sympathy of all. For many years Mr. Houchin has been a prominent and successful teacher in our public schools. His most intimate friends of whom there are many, testify with one voice to the fact that he had no bad habits. Besides his parents he is survived by four brothers and two sisters: Cecil, Harper, Elmer, Ward, Woodside and Clara. B.

## The Forest Fire Case.

Editor Pocahontas Times:

Your last issue contained an account of the dismissal of a case brought by a fire warden against the Tomb Lumber Company and you seemed to regret the untimely end of that suit on account of the Game and Fish department. I am not connected with the Tomb Lumber Company in any way, either as attorney or otherwise, but I have some knowledge of that suit and I consider it one of the most unwarranted prosecutions that ever came to my attention. This company had a very disastrous fire which destroyed a lot of property including thousands of dollars worth of logs. It was a total loss, no insurance. The company as I learned, incidentally, not only bore this loss, but actually paid its logging contractor for the labor expended upon the logs, which it was in no wise bound to do, and thereby saved the contractor, who was able to pay his numerous labor bills.

The amount paid to the contractor according to my information was \$1500.00 which was practically all labor money. It was one of the most worthy actions I ever heard of being done by anyone and for which that company should have full credit and applause.

But the company was indicted and a suit was brought against them for the bills of the fire fighters amounting to about seventy dollars. These bills for fire fighters are paid by the county court and it is a good law but in this one solitary instance the game and fish authorities saw fit to sue this company. The company was one of the large taxpayers of the county and that small bill should have been cheerfully paid by the county court, and no doubt would have been if presented. We are all used to contributing to those who have suffered loss by fire but it is a new thing to indict them and sue for helping to put it out. This article is entirely voluntary and written from the stand point of a casual observer. Another thing, too many witnesses were summoned in this case. The witness fees according to the clerk of the court amounted to far more than the claim.

ANDREW PRICE.

## Onoto.

Rev. Joe Beverage, of Highland county, was visiting relatives here last week.

Dr. Marvin Smith, of Millpoint, was here on business a few days ago. Also Chas. Taylor was a business caller here recently.

Jacob Beverage still continues poorly.

Misses Susie and Mamie Hingardner, of Greenbrier, are visiting their uncle, N. S. Duffield.

Grant Duncan has returned from the south where he has been for his health.

Elmer Duncan is getting along nicely with his school at West Union.

W. G. Cochran is at Elkins on business.

N. S. Duffield had the misfortune to lose a fine horse recently. The horse weighed 1700 pounds, was six years old and was valued at \$300.00.

Mr. Duffield has a big lumber contract which he is operating himself. He has a good mill and is doing good work. His son George is mill sawyer, and understands his business. Bill Gilmer has charge of the cutting, and George VanReenan of the hauling.

Preston Duncan has a contract on Laurel Creek which compels him to be away from home a great deal.

John Duffield will go to Bolar Springs in a few days to visit relatives, also to use the water.

Amos Beverage is at Mingo on business.

William Gilmer has been very sick with gripp, but is able to be out again.

John Tyler is visiting in this neighborhood.

Jimmie Duffield and John Currence will go to North Carolina to spend the winter.

## Birth and Death Statistics.

The following statistics for Pocahontas county show a good birth rate and a low death rate. The table was compiled for the State Board of Health from the reports of physicians and the assessor's returns and is fairly accurate. In the year just passed there were 540 children born in the county. Of these 530 were alive at birth and 538 were white children, while only seven negro children are reported. There were 279 boys and 261 girls. One mother died in childbirth. A conservative estimate for the population of the county is twenty thousand. Of this number fully one twentieth is colored. With only seven births reported the colored birth rate is hardly a fourth that of our white people.

During the past year 135 people died in Pocahontas county. Nearly half this number were children under five years of age, but the next greatest mortality was persons over seventy. Of the sexes, 67 male and 68 females. Pneumonia leads the list with 14 victims, with consumption (tuberculosis) next with 11. It is probable, however, that in the miscellaneous, which includes several deaths by accidents and in the unknown cause list, are a number of deaths which are attributable to that scourge of humanity, the white plague. As a whole we believe the figures show Pocahontas to be a remarkably healthy place to live. We append the table as copied from the report to the State Board of Health:

Under 1 year 42 male 34 female 18

One to 5	18	10	8
Five to 10	2	0	2
Ten to 15	1	0	1
15 to 20	7	3	4
20 to 25	6	3	3
25 to 30	4	1	3
30 to 40	10	4	6
40 to 50	10	1	9
50 to 60	6	4	2
60 to 70	5	2	3
70 to 80	17	8	9
80 to 90	7	7	0
Total	135	67	68

Apoplexy	1	Cancer	3
Croup	2	Childbirth	1
Consumption	11	Dropsy	1
Cholera infantum	6	Diphtheria	2
Epilepsy	1	Erysipelas	1
Fever	5	Heart disease	5
Old age	3	Paralysis	7
Pneumonia	14	Meningitis	2
Miscellaneous	41	Unknown	28
Whooping Cough	1		

Births, 533 white children and seven colored; 279 boys; 261 girls.

Ernest B. Hull and Miss Dosis Morrison, both of Bartow, surprised their many friends by getting married September 21, 1910. This happy event occurred at the home of the bride's mother at Bartow, Rev. H. Q. Burr of the M. E. Church South, officiating. A bountiful supper was served to those present. The contracting parties are prominent young people and have a host of admiring friends in upper Pocahontas who wish them well. On Thursday morning following the wedding the happy couple left for Washington, D. C. for a few days. On their return they will make their home at Bartow. B.

## School Bulletin on Agriculture.

The Extension Department of the College of Agriculture of the State University at Morgantown announces that the first number of "School Agriculture" will be issued early in November. This publication will be issued monthly during the school and will be sent to all school teachers and officers applying for it. Under the state law the teaching of agriculture is now required in the rural schools and teachers are obliged to pass an examination upon the subject. As this is a new subject in the school curriculum, many teachers have felt the need of definite directions for the presentation of the subject. It is this need which the faculty of the College of Agriculture, assisted by various school men and women, will endeavor to meet in this publication.

Each issue will present a few lessons on elementary agriculture in such shape that the teacher may make immediate use of them in the school room. The first number will deal with "Soils" and the next with "Seed and Seedlings." The subsequent numbers during the present school year will take up a study of the corn plant and its culture, with a view to encouraging the organization of corn-growing contests among the boys of the state. To secure the bulletin the applicant states with what school he or she is connected and in what capacity. Address a postal card to Extension Department, College of Agriculture, Morgantown, W. Va.

## Repent.

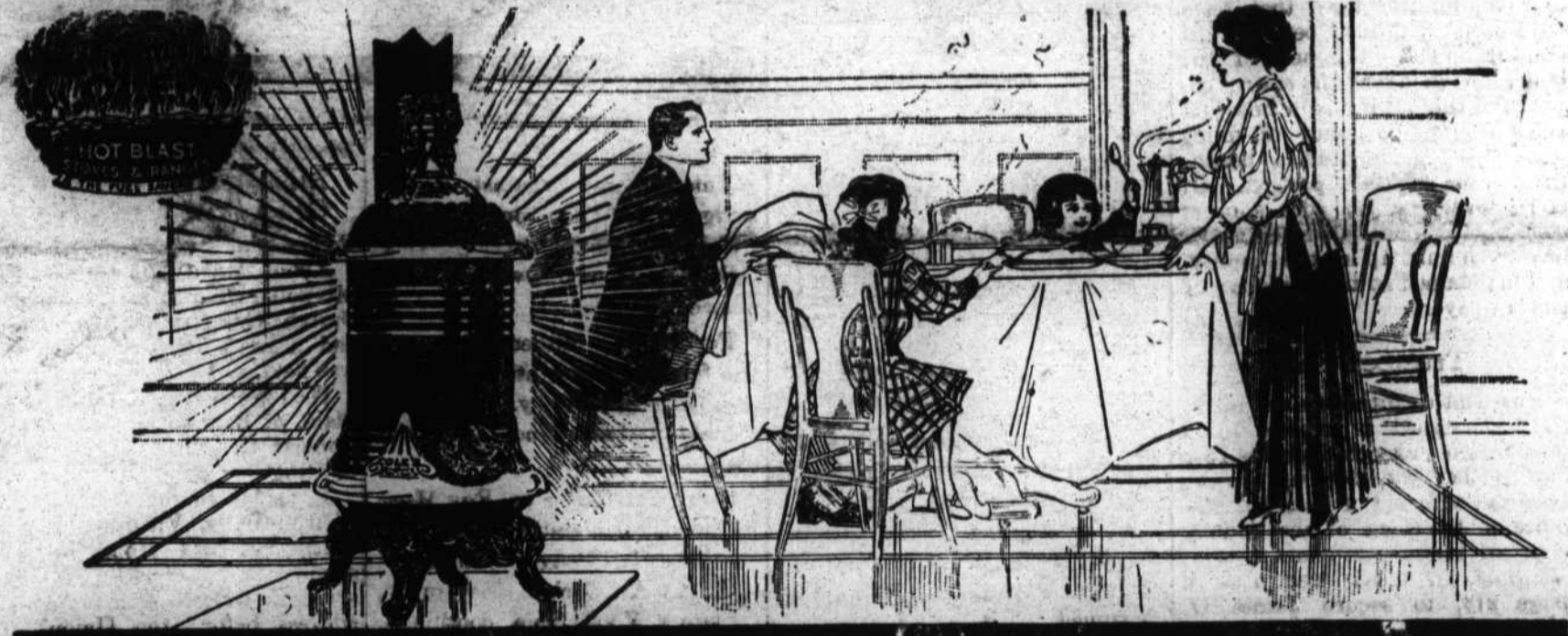
"Yet forty days, O Nineveh, And thou shalt be destroyed!"  
What prophet form, what voice is this,  
Jehovah's hand employed  
His servant Jonah and the cry,  
"Yet forty days, O Nineveh!"  
The devotee and the worldling smiled,  
"Nay prophet, thou art mad;"  
But many a heart grew sick and faint,  
And many a visage sad:  
Still thro' the streets, that bitter cry,  
"Yet forty days, O Nineveh!"  
The king upon his golden throne,  
The vassal 'neath the wall,  
Turned unto prayer and penitence,  
In ash and sack-cloth, all,  
"O spare this wicked city, Lord!"  
The broken contrite prayer was heard.

And thou wast spared, O Nineveh,  
Now, sinner, wilt thou hear!  
Thy life is measured, 'forty days,  
God's judgments are so near.  
Repent, and get thee unto prayer,  
And in great merrv God will spare.

A. L. P.

## Announcement

Mr. J. N. Freedenberg having withdrawn from the firm of P. Freedenberg & Co., the grocery store operated by them is closed. The remaining members will continue under the same firm name in their clothing and gents furnishing at their old stand opposite the postoffice, and to whom all accounts are payable.  
P. FREEDENBERG & Co.,  
Marlinton, W. Va.



## Your Breakfast Room Made Comfortable With Fuel Supplied the Night Before

Cole's Hot Blast Heater maintains a continuous fire—also a steady even heat. It will hold fire from Saturday night until Monday morning (48 hours) without attention. It will hold fire over night with less coal than any other stove.

Open the drafts in the morning and the rooms are quickly heated with the fuel put in the night before. No other stove does this.

Burns Soft Coal, Slack, Siftings, Hard Coal or Lignite. One ton of either kind of fuel goes further and gives you more comfort than two tons, using any other kind or make of stove.

Your attention is called to the unparalleled statement made by the manufacturer of

## Cole's Hot Blast Heating Stove

"For several years we have authorized our Agents to sell Cole's Original Hot Blast Heater on the guarantee as follows:

- "1—A saving of one-third in fuel over any lower draft stove of the same size, with soft coal, slack or lignite.
- "2—That Cole's Hot Blast will use less hard coal for heating a given space than any base burner made with the same size fire pot.
- "3—That the rooms can be heated from one to two hours each morning with the soft coal or hard coal put in the stove the evening before.
- "4—That the stove will hold fire with soft coal from Saturday night until Monday morning.

- "5—A uniform heat day and night, with soft coal, hard coal or lignite.
  - "6—That every stove will remain absolutely air-tight as long as used.
  - "7—That the feed-door is and will remain smoke and dust-proof.
  - "8—That the Anti-Puffing Draft will prevent puffing.
- All we ask is that the stove shall be operated according to directions and connected with a good flue.  
(Signed) COLE MANUFACTURING CO., Not Inc.,  
(Makers of the Original Patented Hot Blast Stove.)

This remarkable guarantee from the makers of this stove should be of interest to you if you contemplate buying a heating stove.

Years of use has proven that no heater—at twice the price—equals it for radiating heat, for holding fire, requiring so little attention, never giving trouble, and cutting down your coal bill one-third to one-half.

Come in and examine Cole's Original Hot Blast which is now imitated by nearly every other stove manufacturer. Price \$12.00 and upward, according to size.

No other Heater Nearly as Good.

C. J. RICHARDSON  
Marlinton, W. Va.

Five Original Patented Features Make It a Fuel Saver.